

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

Name of Plaintiff(s)

vs.

Civil No. _____
(To be supplied by the
Clerk of the Court)

Name of Defendant(s)

INSTRUCTIONS FOR COMPLETING FORM: If you wish to file a lawsuit for violation of your civil rights because of your age, then you are the *plaintiff*. The person, company, or union you sue is the *defendant*. To begin a lawsuit you must file a *complaint* with the court. This form is to help you follow the Federal Rules of Civil Procedure in filing a complaint under the **AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)**. If there is more than one plaintiff or defendant, each must be identified by name and address. Each plaintiff must also state the facts of the discriminatory act unless the facts are the same for all plaintiffs.

You may not be able to fill in every blank. If you are unable to provide the requested information, state either "unknown" or "not applicable" or other similar explanation. If you need help, ask the Clerk at the filing desk.

Please print legibly.

COMPLAINT

PARTIES

1. Plaintiff's address is:

street

city county state

zip code phone number

2. Defendant's address is:

street

city county state

zip code phone number

NATURE OF PROCEEDINGS

3. Plaintiff seeks legal and equitable relief for the denial of certain rights secured by the Age Discrimination in Employment Act of 1967, as codified at 29 USC Sections 621-634. Such relief is authorized under 29 USC Section 626 (b)(c).

JURISDICTION

4. This Court has jurisdiction pursuant to 29 USC Section 626(c)(d).

ADDRESS

5. Is the address where the discriminatory act(s) took place the same address as for defendant? _____ yes _____ no. If different from the defendant's address, the discriminatory act(s) took place at:

| | | |
|-----------|--------------|-------|
| street | | |
| city | county | state |
| () | | |
| zip code | phone number | |

FACTS

If you were not hired because of your age, please complete.

Refusal to Hire

6. Provide a brief statement of the facts to include the following:

- A. Date of application _____
- B. If not hired, the date of refusal to hire _____
- C. If you were not hired because of your age, the names and ages of other applicants who were hired (if known): _____

If you were treated differently than other employees because of your age, please complete the following

*Difference in Terms and Conditions of
Employment Because of Age*

7. Provide a brief statement of the facts to include the following:
- A. Job position plaintiff held at time of discharge, demotion, or other discriminatory act _____
 - B. Date the act(s) occurred _____
 - C. Was this part of a general layoff or reduction in force (if you know)?
_____ yes _____ no
 - D. Rate of pay when this occurred \$ _____ per hour/per week (please circle)
 - E. Replacement's name and age (if known) _____
 - F. Name and age (if known) of any individual who was treated
differently than you because of your age _____

Factual Statement

The following is plaintiff's account of the facts:

CAUSE OF ACTION

8. Defendant in committing the above acts has violated the Age Discrimination in Employment Act of 1967 in that defendant has discriminated against plaintiff because of plaintiff's age.

9. Defendant's conduct was willful.

10. Charges were filed with the Equal Employment Opportunity Commission on (state the date or best estimate): _____

Attach a copy of the Charge you filed with the Equal Employment Opportunity Commission.

11. Charges were filed with the Michigan Department of Civil Rights on (state the date or best estimate): _____

Attach a copy of the Charge you filed with the Michigan Department of Civil Rights.

STATUTORY PREREQUISITE

12. Plaintiff has complied with 29 USC Section 626(d)(2) in that plaintiff filed a charge with the Equal Employment Opportunity Commission (check appropriate letter):

A. _____ Within 300 days after the unlawful incident occurred; or

B. _____ Within 30 days of notice of the end of proceedings under State law.

Note to plaintiff: the time limit for filing is A or B, whichever is earlier.

13. Plaintiff has complied with 29 USC Section 626(d) in that it has been at least 60 days since charges were filed with the Equal Employment Opportunity Commission.

14. Plaintiff was born on _____ and has complied with 29 USC Section 631 in that Plaintiff was at least 40 years old at the time the discriminatory act took place.

JURY TRIAL

15. Plaintiff requests a trial by jury as provided in 29 USC Section 626(c)(2).
_____ Yes _____ No

RELIEF

16. Plaintiff requests the following:

| |
|---------------------------------|
| Check applicable letters |
|---------------------------------|

- A. _____ That all fees, costs or security attendant to this suit be waived;
- B. _____ That the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees;
- C. _____ That the Court grant reinstatement where appropriate.

DATED: _____

Signature of Plaintiff